

## Jen DeMaster

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**From:** Jen DeMaster  
**Sent:** Sunday, October 20, 2024 11:15 PM  
**To:** Warren Buliox (Work); Kerrie Murphy (Work); Anthony Jackson; Katie Dienberg  
**Subject:** Pelishek\_Discovery Dispute

Warren,

I wanted to address a couple concerns about some of the Defendants' insufficient discovery responses that we would like to confer about, in addition to the others we have addressed, so that we can hopefully resolve these without too much additional time or conferencing. I know that we have already addressed a couple of these in other communications, but wanted to make sure these are included.

CITY ROG 11: Here, we requested that the City sufficiently identify all documents that were overwritten or destroyed. You objected on various grounds including overbreadth and not relevant or proportional. We disagree with this and believe it is very relevant and certainly proportional to assess whether, and to what extent, certain relevant communications may have been overwritten or otherwise destroyed. However, to compromise, we are willing to narrow this Interrogatory to seeking an identification, and producing all supporting documentation, of all ESI (including data, communications, etc) that were created/existed between August 22, 2022 – June 1, 2023 and was overwritten or destroyed. To fully respond to this you must provide the date of creation of the ESI/data, a brief description of the ESI/data/communication, and the date the ESI was overwritten or otherwise destroyed, and produce any documentation that supports your response. If you cannot respond to this for any reason or do not have this information, please state that you do not have this information or the reason you cannot respond.

CITY RFP 7: Here we requested all documents relating to payments for Heather Cleveland, Green Bicycle Company, or her related business Good Building Company. Our definitions and instructions as accepted and utilized by the Eastern District of Wisconsin included all metadata. You produced Bates labeled document CITY 3502 – 3507. While we are not seeking all metadata or original files for all documents you've produced (nor are we requesting so here at this time), you must produce the metadata and original document files for this document to resolve this dispute. My client does not recall this document and the metadata or original files are proportional to this matter to assess details as to this document as well as all copies of this (word and pdf versions signed and unsigned).

CITY RFP 8: Here, we asked for all public records requests and responses/documents produced relating to this matter through the present day. You objected to this on various grounds and failed to produce any documents. The other week, you implied that my clients Chad Pelishek and Todd Wolf had disclosed documents that your clients produced as public records. We have previously emailed you asked for a list of all documents produced as public records. This is certainly relevant and proportional to this matter—specifically since we are now unaware whether and which documents have been produced as public records by your clients. To respond to this request fully, you are to produce the public records requests for all documents relating to this and the *related Wolf case* that were sent between March 2024 – August 2024 as well as all responses (including the emails which are public records) producing those documents in or around June – August 2024. If we already have possession of those documents, you are to specifically identify by Bates label all documents that were produced if they were published in the format that we have the documents. If they were published in a different format, you are to produce how the document(s) were published.

Please supplement these and produce the requested documents and information no later than Thursday October 24, 2024. Though we have already somewhat conferred as to RFP 8 and ROG 11, I am available if you would like to

speak on the phone about this within the next two days so that we do not delay these matters further. I am asking please that you confirm you will supplement these tomorrow in the time frame we requested.



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